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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,130	10/03/2001	Truc D. Nguyen	66329/14562	2120
23380	7590	11/10/2005	EXAMINER	
TUCKER, ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1475			DIVINE, LUCAS	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/970,130

Applicant(s)

NGUYEN ET AL

Examiner

Lucas Divine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Claims 1 – 15 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 4, and 5 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. In the amended claims 1, 4 and 5, the term 'which' in front of the word identifiers only seems to confuse things. Examiner suggests that, for better form purposes only, the word 'which' be removed.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 – 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly amended independent claims include language to the effect 'means for

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communicating the predetermined type of communication to the associated network printer'.

Applicant's specification seems to clearly teach that the notifications (e.g. status notifications such as paper jam [paragraph 15]) are transmitted by the monitoring utility to the user or system administrator (paragraphs 16, 22, 4) who are located at the client machines 100 in order to send print jobs to the printer (paragraph 12, wherein a user on a PC issues a print command). Thus, no teaching was found to teach that the 'predetermined notification to be issued by the specific controller' is transmitted back to 'the associated network printer' and applicant has submitted new matter into the claims.

Examiner Note: Apart from the art cited below, applicant is pointed to Fan et al. (US 6310692) and its discussion of notification tables for sending notifications back to a user at a client if this was the intent of the claim language. Other very pertinent art included in the conclusion below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1, 2, 6, 4, 8, 10, 5, 12, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Teng et al. (US 6240456).

Regarding claims 1, 4, and 5, Teng teaches a **network** (Fig. 5, col. 5 lines 4-7)

comprising:

at least one network printer (50, Fig. 5) **having a printer controller** (inherent to a printer is some sort of controller/CPU/processing unit to handle the printing instructions; col. 5 line 29);

at least one client device (20, Fig. 5) **submitting a print job to a network printer** (e.g. col. 2 lines 47-51; col. 5 line 50);

a printer controller monitoring utility for monitoring print functions (network server 49), **the monitoring utility comprising:**

means for identifying a specific printer controller governing the print job (col. 2 lines 63-65, URL includes information on the specific printer [and thus printer controller] selected by the user);

means for loading a selected set of identifiers from a plurality of sets thereof (col. 2 lines 63-65, wherein the servers routes the message to the appropriate server process for that printer controller; separate printers have separate formatting [col. 6 lines 29-30; col. 9 lines 19-29]) **, which identifiers correspond to the specific printer controller** (formatting data for the specific printer [col. 6 lines 29-30; col. 9 lines 19-29]);

means for selecting from the selected set of identifiers a respective identifier corresponding to a predetermined type of notification to be issued by the specific

printer controller (e.g. col. 9 lines 17-29, optional components 126 select the appropriate DLL for the specific printer/printer controller and translate the server language to the printer specific language and visa versa);

means for using the selected identifier to issue the predetermined type of notification from the controller (col. 8 lines 17-23, sending notifications for requests for information and receiving notifications with the requested information to and from the printer controller; other notifications discussed are the server submits the data and notification to print col. [2 lines 66-67], as well as sending other notifications including system administration tasks [col. 3 lines 1-4] and other desired jobs [col. 5 lines 59-60; col. 7 line 67; col. 8 lines 41 and 55; col. 9 lines 17-29]); **and**

means for communicating the predetermined type of notification to the associated network printer (lines between 49 and 50 are means for communicating information between the monitoring utility and the printer and 126, 74 and 50 are the means for issuing such communications).

Regarding claims 2, 8, and 12, which depend from claims 1, 4, and 5, Teng teaches **mapping tables having message dynamic link libraries that are loaded and unloaded depending on the specific printer controller** (col. 9 line 19, wherein DLLs are loaded/unloaded for mapping the general HTTP protocol to the proprietary protocol for the specific printer controller).

Regarding claims 6, 10, and 14, which depend from claims 1, 4, and 5, Teng teaches **communicating the predetermined type of notification is via a selected communication**

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protocol (col. 9 lines 20-21 as proprietary as well as other standard HTTP and Internet protocols depending on the server setup [col. 8 lines 31-33 – use conventional Internet protocols]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teng as applied to claims 2, 8, and 12 above, and further in view of Eylon et al. (US 6574618) hereafter as Eylon.

Regarding claim 3, which depends from claim 2, Teng does not specifically teach the each dynamic link library has its own header file.

Eylon teaches that dynamic link libraries can have their own header files (col. 10 lines 18-22).

It would have been obvious to one of ordinary skill in the art that the dynamic linked libraries of Teng could have header files as taught in Eylon. The motivation for doing so would have been to, as stated in Eylon, be able to load just the header of a linked library in order to view the functions within, for example, if the library was the correct one associated with the specific printer device. Then the full dynamic linked library is loaded when it is the correct library.

7. Claims 7, 11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teng as applied to claims 6, 10, and 14 above, and further in view of Clough et al. (US 6788429).

Regarding claims 7, 11, and 15, which depend from claims 6, 10, and 14, Teng does not specifically teach the conventional Internet protocols or the proprietary protocols for printing in a networked system to be the simple network management protocol.

However, Clough teaches that the simple network management protocol is a well-known protocol for implementing bi-directional communication between a printer and print server (col. 3 lines 33-40).

It would have been obvious to one of ordinary skill in the art to use a standard protocol used in printing systems such as SNMP in the printing environment of Teng, which clearly teaches using well-known standard protocols for communication. The motivation for doing so would have been to allow the system to use and understand an industry standard protocol as well as the other benefits of SNMP which are well known in the art.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Levine et al. (US 6020973) teaches centralized print server for interfacing one or more network clients with a plurality of printing devices, see specifically discussion of connectivity modules.

Yanagidaira (US 6490052) teaches printer controller, see specifically 57, 58.

Rourke et al. (US 5995721) teaches distributed printing system including printer profiles that are loaded and used to format jobs for the specific printers.

Jacobs (US 6043898) teaches method and system for concurrently executing multiple spooling systems in a networked computer system, see specifically 44.

Keeney et al. (US 6748471) teaches methods and apparatus for requesting and receiving a print job via a printer polling device associated with a printer, see specifically 805.

Hanson (US 20030048469) teaches system and method for voice status messaging for a printer.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucas Divine whose telephone number is 571-272-7432. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lucas Divine
Examiner
Art Unit 2624

ljd


KING Y. POON
PRIMARY EXAMINER